

APPEAL NO. 030155
FILED MARCH 4, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 7, 2003. The appellant/cross-respondent (claimant) appeals the hearing officer's determination that the compensable injury of _____, does not include an injury to the cervical area. The respondent/cross-appellant (self-insured) appeals the hearing officer's determinations that the claimant's compensable injury includes an injury to the lumbar area and that the claimant had disability beginning on August 26, 2002, and continuing through the date of the CCH. Both parties file a response to the other's appeal.

DECISION

Affirmed.

Whether the claimant's compensable injury of _____, includes an injury to the cervical or lumbar areas and whether the claimant had disability from a compensable injury are factual questions for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence, as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We have reviewed the matters complained of on appeal and conclude that the hearing officer's decision is supported by sufficient evidence.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Roy L. Warren
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge